

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ROGER COLLINS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 5:10-CV-23 (MTT)
)	
STEVE UPTON, <i>et al.</i>,)	
)	
Defendants.)	
<hr/>)	

ORDER

This case is before the Court on the Recommendation to Dismiss (Doc. 28) (the "Recommendation") of United States Magistrate Judge Claude W. Hicks, Jr. The Magistrate Judge, having reviewed the Defendant's Motion to Dismiss (Doc. 18) (the "Motion"), pursuant to the Prisoner Litigation Reform Act, 48 U.S.C. § 1997e(a), recommends granting the Motion because the Plaintiff failed to exhaust his administrative remedies by not submitting a timely grievance. Plaintiff has filed an objection to the Recommendation (Doc. 29). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Plaintiff's Objection and has made a de novo determination of the portions of the Recommendation to which Plaintiff objects.

The Court, however, accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Motion (Doc. 18) is **GRANTED**.

SO ORDERED, this the 11th day of August, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT